




U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

Memorandum

Subject: Meeting with Representatives of Rubber
Manufacturers Association

Date: MAR 28 2002

From: 
Enid Rubenstein, NCC- 10

Reply to
Attn. of:

To: Docket NHTSA-2001-10856 -8

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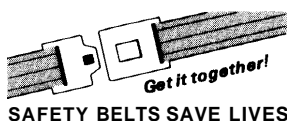
On March 26, 2002, representatives of the Rubber Manufacturers Association (RMA) met with representatives of NHTSA, at RMA's request, about the Notice of Proposed Rulemaking on Disposition of Recalled Tires. RMA was represented by Ann Wilson, Senior Vice President, Government Affairs, and Thomas E. Wood, Director, Corporate Environmental Affairs, Cooper Tire & Rubber Company (Cooper). NHTSA was represented by Kenneth Weinstein, Associate Administrator for Safety Assurance; Jonathan White, Office of Defects Investigation; and Enid Rubenstein, Office of Chief Counsel.

RMA stated that 70-80% of tires are recycled and landfilling of tires is no longer a big issue. NHTSA stated that we are required to implement the TREAD Act; that the statute requires quarterly reporting by tire manufacturers that conduct safety recalls; that our goal is to implement the statute without being overly burdensome; and that we tried to minimize the reporting burden by providing for "exceptions reporting" of problems rather than for reporting about the disposition of all recalled tires.

RMA stated that some tire manufacturers require dealers to return recalled tires to them (at central locations) for inspection, and possible testing or resale, rather than having the dealers destroy all recalled tires as this NPRM contemplates. NHTSA queried whether any resale of recalled tires, even those that had been inspected and found to be OK, was permissible under 49 U.S.C. §30120(i) and (j).

RMA stated that most tire recalls are quite small in size and suggested that NHTSA differentiate, by size of recall, as to the contents of the required reports. NHTSA stated that we would consider this. NHTSA also stated that the agency was not trying to prescribe how manufacturers conduct their recalls; that they could have a "global plan" for all recalls, or plans tailored to individual recalls, at their option. RMA encouraged NHTSA to make this clear.

With respect to the general scope of the notifications required from manufacturers to dealers, NHTSA pointed out that the NPRM did not propose to broaden the size of the group of dealers who must be notified of a recall (for example, if a manufacturer restricts



notifications of recalls of snow tires to dealers located in the “snow belt,” the NPRM does not require that dealers be notified nationwide), but that the NPRM does increase the amount of information that manufacturers are required to provide to dealers whom they notify of recalls. RMA indicated that this should be made clear.

RMA questioned the necessity for manufacturers to notify dealers of the requirements of applicable state laws. RMA asserted that the states would eventually close down dealers who do not comply with state law. RMA stated that it would not be a problem for manufacturers to remind dealers of the need to comply with all state law obligations, but it would be a problem for manufacturers to have to tell dealers how to comply with state law obligations.

RMA asked whether there was any possibility of NHTSA issuing another NPRM on this subject. NHTSA responded that we would do so if we made major substantive changes that departed from the scope of the original proposal, but otherwise we would not do so. Petitions for reconsideration are permitted.

RMA asked whether NHTSA wanted any more information. NHTSA requested additional information about recalls that result in the resale of some of the recalled tires.

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CC: K. Weinstein, NSA-01
J. White, NSA-11